REMARKS

This Response is respectfully submitted in response to the Office Action of January 17, 2007. The Office Action required restriction to one of the following inventions under 35 U.S.C. 121:

I. Claims 1-3, 9, 13, 17-20, 25, and 29, drawn to a method of reducing or preventing the risk of cutaneous tumor development in skin cells comprising a soy product, classified in class 424, subclass 401.

II. Claims 1-5, 9, 12-13, 16-21, 25, 28-29, and 32, drawn to a method of reducing or preventing the risk of cutaneous tumor development in skin cells comprising a soy product and an anti-inflammatory agent, classified in class 424, subclass 401.

III. Claims 1-4, 6, 9, 11-114, 16-20, 22, 25, 27-29, and 31-32, drawn to a method of reducing or preventing the risk of cutaneous tumor development in skin cells comprising a soy product and an anti-cancer agent, classified in class 424, subclass 401.

IV. Claims 1-4, 7, 9-10, 12-13, 15-20, 23, 25-26, 28-30, and 32, drawn to a method of reducing or preventing the risk of cutaneous tumor development in skin cells comprising a soy product and an anti-oxidant, classified in class 424, subclass 401.

V. Claims 1-4, 8-9, 12-13, 16-20, 24-25, 28-29, and 32, drawn to a method of reducing or preventing the risk of cutaneous tumor development in skin cells comprising a soy product and a sunscreen, classified in class 424, subclass 401.

The Office Action noted that:

> Inventions I and each of II-V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, an d(2) that the subcombination has utility by itself or in other combinations…In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because (1) the combinations can require any subcombination such as an anti-viral agent and (2) the subcombination has separate utility such as an anti-inflammatory for pain medication, as an anti-cancer agent for chemotherapy, as an anti-oxidant for anti-aging therapy, and as a sunscreen. [Office Action, p. 3]

The Office Action further indicates that restriction is required between combination and subcombination inventions. Further, it states that "…the different inventions II-V are not capable of being used together and they have different designs as Invention II uses an anti-inflammatory

agent, Invention III uses an anti-cancer agent, Invention IV uses an anti-oxidant, and Invention V uses a sunscreen." [Office Action, pp. 3-4]

Applicants respectfully provisionally elect the inventions of Group I, with traverse. Applicants respectfully disagree with the assessment that the inventions of the different groups are unrelated, as it is possible to utilize at least some of the elements of the compositions set forth in the different groups in the same composition (for example, a composition containing a sunscreen may also contain an anti-oxidant and/or an anti-inflammatory compound). Further, applicants respectfully submit that the searching of all Groups of claims should not entail a burden upon the Patent and Trademark Office. Applicants respectfully request reconsideration of the restriction requirement.

The Office Action of January 17, 2007 further indicated that the claims were directed to the following patentably distinct species:

(1) several different anti-inflammatory agents;

(2) several different anti-cancer agents;

(3) several different anti-oxidants;

(4) several different sunscreens…[Office Action, p. 4]

The Office Action indicated that if the claims of Groups II, III, IV or V were elected, applicants would be required to elect a single species for prosecution on the merits. However, applicants respectfully have provisionally elected the claims of Group I, therefore, they submit that they need not elect a single species for prosecution.

An early allowance is earnestly solicited.

Respectfully submitted,

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